

TO DIRECT THE SECRETARY OF THE INTERIOR TO TAKE
CERTAIN TRIBALLY-OWNED RESERVATION LAND INTO
TRUST FOR THE PUYALLUP TRIBE

APRIL 25, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 374]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 374) to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. PUYALLUP INDIAN TRIBE LAND CLAIMS SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) accept the conveyance of the parcels of land within the Puyallup Reservation described in subsection (b); and

(2) hold the land in trust for the benefit of the Puyallup Indian tribe.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are as follows:

(1) PARCEL A.—Lot B, boundary line adjustment 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor, situated in the city of Fife, county of Pierce, State of Washington.

(2) PARCEL B.—

(A) IN GENERAL.—Parcel B shall be comprised of land situated in the city of Fife, county of Pierce, State of Washington, more particularly described as follows:

(i) Lots 3 and 4, Pierce County Short Plat No. 8908020412, as depicted on the map dated August 2, 1989, held in the records of the Pierce County Auditor, together with portion of SR 5 abutting lot 4, conveyed by the deed recorded under Recording No. 9309070433, described as follows:

(I) That portion of Government lot 1, sec. 07, T. 20 N., R. 4 E., of the Willamette Meridian, described as commencing at Highway

Engineer's Station AL 26 6+38.0 P.O.T. on the AL26 line survey of SR 5, Tacoma to King County line.

(II) Thence S88°54'30" E., along the north line of said lot 1 a distance of 95 feet to the true point of beginning.

(III) Thence S01°05'30" W87.4' feet.

(IV) Thence westerly to a point opposite Highway Engineer's Station, AL26 5+50.6 P.O.T. on said AL26 line survey and 75 feet easterly therefrom.

(V) Thence northwesterly to a point opposite AL26 5+80.6 on said AL26 line survey and 55 feet easterly therefrom.

(VI) Thence northerly parallel with said line survey to the north line of said lot 1.

(VII) Thence N88°54'30" E., to the true point of beginning.

(ii) Chicago Title Insurance Company Order No. 4293514 lot A boundary line adjustment recorded under Recording No. 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor.

(B) EXCLUSION.—Excluded from Parcel B shall be that portion of lot 4 conveyed to the State of Washington by deed recorded under recording number 9308100165 and more particularly described as follows:

(i) Commencing at the northeast corner of said lot 4.

(ii) Thence N89°53'30" W., along the north line of said lot 4 a distance of 147.44 feet to the true point of beginning and a point of curvature.

(iii) Thence southwesterly along a curve the left, the center of which bears S0°06'30" W., 55.00 feet distance, through a central angle of 89°01'00", an arc distance of 85.45 feet.

(iv) Thence S01°05'30" W., 59.43 feet.

(v) Thence N88°54'30" W., 20.00 feet to a point on the westerly line of said lot 4.

(vi) Thence N0°57'10" E., along said westerly line 113.15 feet to the northwest corner of said lot 4.

(vii) Thence S89°53'30" east along said north line, a distance of 74.34 feet to the true point of beginning.

(3) ADDITIONAL LOTS.—Any lots acquired by the Puyallup Indian tribe located in block 7846, 7850, 7945, 7946, 7950, 8045, or 8049 in the Indian Addition to the city of Tacoma, State of Washington.

PURPOSE OF THE BILL

The purpose of H.R. 374 is to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe.

BACKGROUND AND NEED FOR LEGISLATION

The purpose of this legislation is to expedite the fee-to-trust process to move the location of a tribal casino owned by the Puyallup Indian tribe in Washington State for the purposes of complying with an agreement to expand the Port of Tacoma in Washington. Although the Tribe could pursue the fee-to-trust process administratively through the Department of the Interior, the Department's lengthy application process to place land into trust within the boundaries of a reservation risks possible delay on port construction. By handling this process legislatively, the Tribe accomplishes its goal in a timely manner and allows the port project to begin immediately.

On November 16, 2004, the Port of Tacoma, the State of Washington, the Puyallup Indian Tribe and the cities of Fife and Tacoma all signed an agreement to pursue a major expansion of terminal facilities at the Port of Tacoma. The signed agreement amends the tribal gaming compact signed by the State and the Puyallup Tribe in 1996. The new agreement allows the Tribe to move its Emerald Queen Casino, which was affected by the construction of the new

Port of Tacoma terminal facility, to a new location within the boundaries of the reservation. The agreement does not increase the number of gaming locations or type of games offered.

COMMITTEE ACTION

H.R. 374 was introduced on January 26, 2005, by Congressman Norm Dicks (D-WA). The bill was referred to the Committee on Resources. On March 29, 2006, the Full Resources Committee met to consider the bill. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute to replace the current bill language with the language of its Senate counterpart, S. 1382. It was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 374—A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe

H.R. 374 would require the Department of the Interior to take into trust two parcels of land in the city of Fife, Washington. The legislation also would require the department to take certain addi-

tional parcels into trust, if acquired by the tribe. Because these parcels of land would be owned by the tribe prior to transfer and the government would incur no significant additional costs in taking them into trust, CBO estimates that implementing this bill would have no significant effect on the federal budget.

H.R. 374 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting this legislation would benefit the Puyallup tribe and several affected local governments in Washington state.

The CBO staff contact for this estimate is Mike Waters. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

